

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, March 23, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Bowers and Ruby.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal was dispensed with.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, March 21, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 230, entitled "An act to incorporate the Grapevine Lodge No. 288, Free and Accepted Masons," have duly considered the same, and respectfully report it back with the recommendation that it do pass.

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your committee, to whom was referred Senate bill No. 233, entitled "An act to incorporate the Stock Traders' Bank," have duly considered the same, and respectfully report it back with amendments, and recommend that it do pass.

Amend section one, line sixteen and seventeen, strike out the following words: "issue bank bills," and amend section two, line eight, strike out all after the word "stock" down to and including the word "stock" in line eleven.

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 22, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 241, entitled "An act to incorporate the Mansfield College," have duly considered the same, and respectfully report it back with the recommendation that it do pass.

S. W. FORD,
Chairman.

Reports read and laid over under the rules.

SPECIAL ORDER.

Substitute Senate bill No. 168, to be entitled "An act to incorporate the Galveston and Denver City Air Line Railway."

On motion of Senator Dohoney, substitute Senate bill No. 168 was made the special order for to-morrow, at 10:30 A. M.

BILLS AND RESOLUTIONS.

By Senator Dillard, a bill, Senate bill No. 273, to be entitled "An act to amend section twelve of an act to incorporate the Neches Navigation Company." Read first time and referred to Committee on Internal Improvements.

Senator Gaines moved a suspension of the rules to take from file House bill No. 55, "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, A. D. 1856;" and to repeal "An act entitled an 'act to amend articles 412 and 418 of an act to adopt and establish a penal code for the State of Texas,' approved December 16, A. D. 1863. Read second time.

On motion of Senator Gaines the report of committee was adopted.

Senator Fountain moved to amend by striking out the words "to repeal" and "all thereto," which amendment was adopted.

On motion of Senator Fountain, the rules were further suspended, House bill No. 55 read third time and passed.

Senator Mills moved a suspension of the rules to take from file House bill No. 194, "An act to incorporate the Huntsville Branch Railway Company."

Motion to suspend the rules lost.

By Senator Bridgen: Petition of the citizens of the city of Rockport. Read and referred to Committee on Roads, Bridges and Ferries.

Senator Dohoney submitted the following report of the Committee on Engrossed Bills :

COMMITTEE ROOM,
AUSTIN, March 23, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills having examined and compared Senate bills No. 81, "An act to prohibit the sale or distribution of spirituous or other intoxicating liquors, or the establishment of any drinking saloon, gambling house, house of ill-fame, etc., within certain limits;" No. 198, "An act to organize the county of Pecos;" No. 236, "An act to incorporate the Tyler Cemetery Association;" No. 247, "An act to provide for the release of children or other persons, citizens of the State of Texas, who are, have been or may hereafter be held as captives by the Indians," and Senate joint resolution No. 26, "For the relief of Dillard Cooper," find the same to be correctly engrossed.

E. L. DOHONEY,
P. W. HALL.

Report read and received.

Under instructions of the President the Secretary carried to the House for signature of the Speaker the following enrolled bills :

Substitute for Senate bill No. 39, "An act supplementary to an act to regulate the disposal of the public lands of the State of Texas," approved August 12, A. D. 1870.

Also, Senate enrolled bill No. 112, "An act for the relief of the Eastern Texas Railroad Company."

REPORTS OF STANDING COMMITTEES.

Report of Committee on Counties and County Boundaries :

COMMITTEE ROOM,
AUSTIN, March 23, 1871

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Counties and County Boundaries to whom was referred Senate Bill No. 211, "An act to amend the third section of an act creating the counties of Presidio, El Paso and Worth," have had the same under careful consideration, and have instructed me to report the same back and recommend that it do pass.

P. W. HALL,
Chairman.

Report read and laid over under the rules.

Senator Fountain moved a suspension of the rules to consider the report.

Motion to suspend the rules carried.

Senate bill No. 211 read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Fountain the rules were further suspended.

Senate Bill No. 211 read third time and passed.

By leave Senator Hertzberg submitted the following report of the Committee on Land Office:

COMMITTEE ROOM,
AUSTIN, March 23, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR · Your Committee on Land Office, to whom was referred Senate bill No. 270, entitled "An act making an appropriation for the purpose of having certain general indexes in the General Land Office transcribed," have carefully considered the same, and after having examined the books, the transcription of which is to be provided for by this bill, find that the indexes are in an exceedingly dilapidated condition, and that it appears to the general interest of the people, and as a matter of wise economy, to have them transcribed without further delay, they, therefore, instruct me to report the bill back without amendment and recommend its passage.

THEO. HERTZBERG,
Chairman.

Report read and laid over under the rules.

On motion of Senator Pyle, the rules were suspended to take from file House bill No. 180, "An act to authorize Car Forrest to erect a toll bridge over Chambers creek, in Ellis county, Texas." Read second time.

On motion of Senator Pyle, the rules were further suspended, House bill No. 180 read third time and passed.

The Secretary carried House bill No. 180 to the House with the action of the Senate.

On motion of Senator Hertzberg, the rules were suspended to take from file Senate bill No. 270, "An act making an appropriation for the purpose of having certain general indexes in the General Land Office copied." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Hertzberg, the rules were further suspended, Senate bill No. 270 read third time and passed.

By leave, Senator Rawson submitted the following reports of the Committee on Private Land Claims:

COMMITTEE ROOM,
AUSTIN, March 23, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Private Land Claims, to whom was referred the petition of the heirs of Charles G. Bryant, deceased, asking for relief, have had the same under careful consideration, and herewith report and respectfully submit a bill (Senate bill No. 274) to be entitled "An act for the relief of the heirs of Charles G. Bryant, deceased," comprehending the relief prayed for, and respectfully recommend that it do pass.

G. T. RUBY,
Chairman.

Report and bill read first time.

COMMITTEE ROOM,
AUSTIN, March 23, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Private Land Claims, to whom was referred the petition of the heirs of Andrew Jackson Bryant, deceased, asking for relief, have had the same under careful consideration, and herewith respectfully report and submit a bill (Senate bill No. 275) to be entitled, "An act for the relief of the heirs of Andrew Jackson Bryant, deceased." comprehending the relief prayed for, and respectfully recommend that it do pass.

G. T. RUBY,
Chairman.

Report and bill read first time.

On motion of Senator Parsons, the rules were suspended to consider the reports.

Senate bill No. 274 read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Parsons, the rules were further suspended, Senate bill No. 274 read third time and passed by the following vote :

Yeas—Mr. President, Baker, Bell, Cole, Dillard, Flanagan, Ford, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Shannon, Tendick—19.

Nays—Douglass, Evans, Latimer—3.

On motion of Senator Parsons, the rules were further suspended, Senate bill No. 275 read second time and passed to engrossment.

Message from the House, by Chief Clerk, transmitting for signature the following enrolled House bills :

House bill No. 398, "An act changing the eastern boundary of Johnson county."

House bill No. 35, "An act for the permanent location of the county seat of Van Zandt county."

House bill No. 304, "An act for the relief of T. H. Arlett."

Signed by the President and returned to the House.

Also, for concurrence, the following House bills:

House bill No. 146, "An act to legalize the official acts of J. A. Lee, of Coryell county."

House bill No. 132, "An act amendatory of an act, approved October 1, 1866, entitled 'an act granting to James L. Tarver the privilege of constructing a ferry across Big Cypress.'"

House bill No. 158, "An act to amend the second section of an act entitled 'an act defining the homestead and other property exempt from forced sale in this State,' approved August 15, 1870."

House bill No. 200, "An act further regulating proceedings in the several courts of the State of Texas."

House bill No. 192, "An act to incorporate the Cedar Bayou Bar Company."

House bill No. 202, "An act to incorporate the city of Dallas, in Dallas county, Texas."

House bill No. 212, "An act to amend the seventy-first and ninety-second sections of 'an act to regulate proceedings in the District Courts,' approved May 13, 1870."

House bill No. 251, "An act to amend chapter one, of title twelve, of the penal code of the State of Texas."

House bill No. 259, "An act for the removal of the administration of certain estates from the District Court of Polk county to the District Court of San Jacinto county."

House bill No. 267, "An act in relation to the Atlantic and Pacific Railroad Company."

House bill No. 260, "An act amendatory of an act entitled 'an act prescribing the time of holding the district courts in the several judicial districts in the State,' approved August 10, 1870."

House bill No. 264, "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870."

House bill No. 268, "An act to amend an act entitled 'an act to dispense with the use of scrolls and seals in certain cases,' approved February 2, A. D. 1858."

House bill No. 269, "An act for the protection of poor persons in cases of appeal in civil suits."

House bill No. 292, "An act granting to B. F. Colbert the privilege of constructing a ferry across Red River."

House bill No. 325, "An act to authorize M. A. Tucker to erect a toll bridge over Big creek, near the Limestone and Falls county line.

House bill No. 326. "An act to authorize M. A. Tucker to erect a toll bridge over Christmas creek, in Limestone county, Texas."

House bill No. 412, "An act to incorporate Cedar Male and Female Institute.

House bill No. 427, "An act to authorize C. Duncan and G. W. Patten to erect a toll bridge over Aquilla creek, in the county of McLennan Texas."

House bill No. 466, "An act to incorporate the Blufton Male and Female Academy."

House bill No. 468, "An act to repeal 'an act to prohibit the sale of spirituous liquors within three miles of Woodland College.'"

House bill No. 469, "An act to incorporate the Galveston Hibernian Society."

Also, joint resolution No. 25, "Joint resolution requiring the Comptroller of Public Accounts to re-transfer to the State revenue account the sum of thirty-five thousand nine hundred and fifty dollars and five cents, heretofore erroneously transferred from said revenue account to the available school fund account."

11 o'CLOCK A. M.

The hour having arrived for the consideration of the special order, Senate bill No. 166, "An act to establish a system of public free schools in the State of Texas,"

On motion of Senator Pettit the special order was postponed until 12 o'clock M.

By leave, Senator Hall submitted the following report of the Committee on Counties and County Boundaries :

COMMITTEE ROOM,

AUSTIN, March 23, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Counties and County Boundaries, to whom was referred House bill No. 418, "An act to amend an act to create the county of Delta," have had the same under careful consideration, and have instructed me to report the same back to the Senate and recommend its passage.

P. W. HALL,

Chairman.

On motion of Senator Cole, the rules were suspended to consider the report.

House bill No. 418 read second time.

On motion of Senator Pyle, the rules were further suspended, House bill No. 418 read third time and passed.

On motion of Senator Tendick, the rules were suspended to take from file Senate bill No. 178, "An act to repeal an act 'approved August 10, 1870, entitled 'an act to amend an act to incorporate Herman University,' approved January 27, 1844, as amended by an act passed April 11, 1846."

Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Tendick, the rules were further suspended, Senate bill No. 178 read third time and passed.

Senator Flanagan asked permission to introduce a petition from the citizens and voters of the county of Sabine, relative to the removal of the county seat of said county from Hemphill to Milam, praying for the same. Read and referred to Committee on Counties and County Boundaries.

On motion of Senator Bell, the rules were suspended to take from file House bill No. 115, "An act to regulate the keeping and bearing of deadly weapons."

On motion of Senator Saylor, House bill No. 115 was made the special order for Monday, at 12 M.

By leave, Senator Saylor submitted the following report of the Committee on Finance :

COMMITTEE ROOM,
AUSTIN, March 23, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on Finance, to whom was referred for consideration that portion of the Governor's message relating to the donation by Congress of one hundred and eighty thousand acres of land to each of the several States of the Union, for the purpose of establishing an Agricultural and Mechanical College in each, would respectfully report the accompanying bill to the Senate and recommend its passage.

W. A. SAYLOR,
Chairman.

On motion of Senator Saylor, the rules were suspended to consider the report.

Senate bill No. 276, to be entitled "An act for the establishment of the Agricultural and Mechanical College of Texas." Report and bill read first time.

On motion of Senator Saylor, Senate bill No. 276 was made the special order for Tuesday, at 11 o'clock A. M.

On motion of Senator Douglass, the rules were suspended, to

take from file substitute Senate bill No. 128, to be entitled "An act concerning the Supreme Court Library." Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Douglass, the rules were further suspended, substitute Senate bill No. 128 read third time and passed.

On motion of Senator Mills two hundred copies of Senate bill No. 276 reported by the Finance Committee was ordered printed.

Senator Hertzberg asked permission to introduce a "Petition from the citizens of Guadalupe County to change the county lines of Comal County."

Read and referred to Committee on Counties and County Boundaries.

The following House bills were referred to committees as follows:

House bill No. 137, "An act to incorporate the town of Palestine in the county of Anderson." Read first time and referred to Committee on State Affairs.

House bill No. 134, "An act to amend an act to incorporate the town of Clarksville, Red River county, approved January 31, 1852." Read first time, referred to Committee on State Affairs.

House bill No. 164, "An act to incorporate the town of Pittsburg in Upsher County." Read first time and referred to Committee on State Affairs.

House bill 216, "An act to incorporate the town of Mount Pleasant, Titus County." Read first time and referred to Committee on State Affairs.

House bill No. 217, "An act to incorporate the town of Dangerfield, in Titus county." Read first time and referred to Committee on State Affairs.

House bill No. 244, "An act to incorporate the town of Quitman, in Wood county." Read first time and referred to Committee on State Affairs.

House bill No. 207, "An act to incorporate the Central Texas Agricultural and Mechanical Association." Read first time and referred to Committee on Agricultural Affairs.

House bill No. 237, "An act to incorporate the Collin county, Texas, Agricultural, Horticultural and Mechanical Association." Read first time and referred to Committee on Agricultural Affairs.

House bill No. 307, "An act for the protection and growth of pecan timber." Read first time and referred to Committee on Agricultural Affairs.

House bill No. 465, "An act for the relief of G. F. B. Vega." Read first time and referred to Committee on Claims and Accounts.

House bill No. 270, "An act to authorize W. W. Knight to erect a toll bridge over Waxahachie creek, Ellis county, Texas."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Senator Mills asked to be excused for the day. There being no objection, leave was granted.

On motion of Senator Evans, the rules were suspended to take from file Senate bill No. 241, to be entitled "An act to incorporate the Mansfield College, in Tarrant county, Texas." Read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Evans, the rules were further suspended, Senate bill No. 241 read third time and passed.

GENERAL FILE.

Senate bill No. 28, "An act to provide for the employment of private clerks for the judges of the Supreme Court," read third time and passed by the following vote:

Yeas—Mr. President, Baker, Cole, Dillard, Dohoney, Ford, Fountain, Hall, Hertzberg, Parsons, Pettit, Pickett, Pridgen, Tendick—14.

Nays—Bell, Braughton, Evans, Flanagan, Gaines, Hillebrandt, Pyle, Rawson, Shannon—9.

Senator Latimer asked to be excused for the day. There being no objections, leave was granted.

12 O'CLOCK M.

The hour having arrived for the consideration of the special order, Senate bill No. 166, "An act to establish a system of public free schools in the State of Texas," the Senate resolved itself into Committee of the Whole.

IN SENATE.

Senator Dohoney, Chairman of the Committee of the Whole, having under consideration substitute Senate bill No. 166, reported progress and asked to be discharged from the further consideration of the same.

Senator Douglass moved the rejection of the report of the Committee of the Whole.

Reading of the bill called for.

The question recurring on the rejection of the report made by the Committee of the Whole, the yeas and nays were called for, and lost by the following vote:

Yeas—Braughton, Cole, Dillard, Dohoney, Evans, Flanagan, Latimer, Pickett, Pyle, Rawson, Shannon—11.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Saylor, Tendick—15.

Senator Fountain moved the adoption of the report. Yeas and nays called for and carried by the following vote :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Saylor, Tendick—15.

Nays—Braughton, Cole, Dillard, Dohoney, Evans, Flanagan, Latimer, Pickett, Pyle, Rawson, Shannon—11.

Pending the engrossment of substitute Senate bill No. 166,

Senator Fountain moved that the further consideration of this bill be postponed and made the special order for to-morrow at 11 A. M., and that one hundred copies be printed, which motion was adopted.

On motion of Senator Fountain, the Senate adjourned to 10 A. M. to-morrow.
